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9 in its capacity as Trustee

**FILED**  
FROM OVERNIGHT BOX  
JAN 03 1999  
KEVIN E. O'BRIEN  
UNITED STATES  
BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA

7 **IN THE UNITED STATES BANKRUPTCY COURT**  
8  
9 **FOR THE DISTRICT OF ARIZONA**

10 In re:  
11  
12 LEEWARD HOTELS, L.P., an Arizona Limited  
13 Partnership,

14 Debtor.

In Proceedings Under Chapter 11

Case No. B-99-09162 ECF-GBN

**SECURED LENDER'S ELECTION  
PURSUANT TO BANKRUPTCY CODE §  
1111(b)(2) (OLATHE LOAN)**

**Date of Hearing: January 10, 2000  
Time of Hearing: 10:00 a.m.**

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18 LASALLE NATIONAL BANK, in its capacity as Trustee for the registered holders of DLJ  
19 Mortgage Acceptance Corporation, Commercial Mortgage Passthrough Certificates, Series 1997-CF1,  
20 by and through its Servicer, Lennar Partners, Inc. (the "Secured Lender") hereby files this Election  
21 pursuant to Bankruptcy Code § 1111(b)(2) with respect to the "Olathe Loan" as defined below. This  
22 Election is made conditional upon the Court's granting the relief sought in the "Motion Under  
23 Bankruptcy Rule 3013 For Determination For Propriety Of Classification" which is set for hearing on  
24 January 10, 2000.

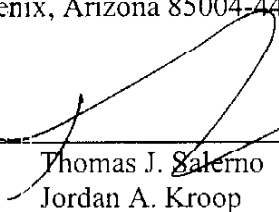
25 The Secured Lender, subject to the conditions set forth above, hereby elects pursuant to  
26 Bankruptcy Code § 1111(b)(2), to treat the loan to Olathe Best Hotel, L.P., secured by a first and prior  
27 lien and encumbrance on the hotel located in Olathe, Kansas (the "Olathe Loan"), as a fully secured  
28 loan. True and correct copies of the loan and security documents evidencing said loan are set forth in

1 the "Appendix Of Exhibits Filed By Secured Lender In Support Of Various Pleadings" filed on August  
2 3, 1999 as Exhibits "23" through "36".

3 As of August 2, 1999, the outstanding amount due and owing on the Olathe Loan is  
4 \$2,466,914.36 in principal, plus accrued interest, charges, fees and costs through August 2, 1999 of  
5 \$357,126.32, plus accrued and accruing interest, costs, charges, yield maintenance agreements, and  
6 attorneys' fees and costs. The Olathe Loan amounts are as set forth in the "Proof Of Claim" filed  
7 contemporaneously herewith.

8 RESPECTFULLY SUBMITTED this 30<sup>th</sup> day of January, 2000.

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14 By   
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17 **COPY** of the foregoing mailed  
18 this 30<sup>th</sup> day of January, 2000, to:

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